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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,587	10/30/2003	John Wirth JR.	3584-33	7205

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EXAMINER

NGUYEN, PHONG H

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 03/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/696,587	Applicant(s) WIRTH ET AL.	
	Examiner Phong H Nguyen	Art Unit 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3, 4, 7 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Aigner (5,678,467).

Regarding claim 1, Aigner teaches a handle capable of being used as a push block device for displacing a workpiece relative to woodworking equipment, comprising: a main body having a proximal end, a distal end, a longitudinal axis, and a first, generally flat working surface 14; a handle component 18 extending from the main body whereby when the first working surface is disposed in parallel facing relation to a top surface of a workpiece, the handle component is disposed predominantly vertically above the main body; and a heel component 38 extending from the main body so as to have a first, operative position, wherein the heel projects vertically below a first plane of the first working surface, and a second, stored position wherein the heel is disposed in or vertically above the first plane, the heel defining a second working surface disposed in a second plane defined at an angle with respect to the first working surface.

See Figs. 1-7.

Regarding claim 3, see Figs. 1-5 and 7.

Regarding claim 4, a heel receiving compartment 40 is best seen in Figs. 1-5.

Regarding claim 7, a head 34 having second surface and a first and a second leg which are attached to a pin 30 are best seen in Figs. 1 and 2.

Regarding claim 8, the first and the second leg are secured to the main body by the pin 30. See Figs. 1 and 2.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 2 and 11-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Sizemore (6,739,075 B2).

Regarding claims 1 and 2, Sizemore teaches a handle capable of being used as a push block device for displacing a workpiece relative to woodworking equipment, comprising: a main body having a proximal end, a distal end, a longitudinal axis, and a first, generally flat working surface 4; a handle component 2 extending from the main body whereby when the first working surface is disposed in parallel facing relation to a top surface of a workpiece, the handle component is disposed predominantly vertically above the main body; and a heel component 6 extending from the main body so as to have a first, operative position, wherein the heel projects vertically below a first plane of the first working surface, and a second, stored position wherein the heel is disposed in or

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vertically above the first plane, the heel defining a second working surface disposed in a second plane defined at an angle with respect to the first working surface.

See Fig. 1.

Regarding claim 11, a retention plate (the plate that on the top of element 3) is best seen in Fig. 1.

Regarding claim 12, element 3 is considered as a slip resistant pad since it is made of rubber. See Fig. 1 and col. 2, lines 47-55.

Regarding claim 13, Sizemore teaches a method for advancing a workpiece with a push block comprising:

providing a main body having a proximal end, a distal end, a longitudinal axis, and a first, generally flat working surface 4; a handle component 2 extending from the main body whereby when the first working surface is disposed in parallel facing relation to a top surface of a workpiece, the handle component is disposed predominantly vertically above the main body; and a heel component 6 extending from the main body so as to have a first, operative position, wherein the heel projects vertically below a first plane of the first working surface, and a second, stored position wherein the heel is disposed in or vertically above the first plane, the heel defining a second working surface disposed in a second plane defined at an angle with respect to the first working surface. See Fig. 1.

engaging a top surface of the workpiece with the first working surface;

and

advancing the workpiece.

Regarding claim 14, the second working surface of the heel can engage a trailing end of the workpiece. See Fig. 1.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aigner (5,678,467) in view of Wirth et al. (6,135,521), hereinafter Wirth.

Aigner teaches the invention substantially as claimed except for providing a slip resistant pad to the first working surface. Wirth teaches providing a slip resistant pad 18 to a first working surface. See Fig. 1. Therefore, it would have been obvious to one skilled in the art to provide a slip-resistant pad 18 as taught by Wirth to the first working surface of the push block device of Aigner to provide a better grip between the first working surface and the workpiece's surface.

7. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aigner (5,678,467)

Regarding claim 9, Aigner teaches one pin 30 extending to both legs. Providing individual pin for each leg to save material is routine skill in the art. Therefore, it would have been obvious to one skilled in the art to provide individual pin for each leg instead of a long common pin to save material.

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Regarding claim 10, the pins are glued to receptacles in the main body. It is to be noted that "glued" is interpreted as "fastened" or "secured".

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Jennings (6,732,623 B1), Atkins (4,603,612), Schmell (4,485,711), Jennings (4,370,909) and Brutscher et al. (5,875,827) teach push blocks of general interest.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phong H Nguyen whose telephone number is 571-272-4510. The examiner can normally be reached on Mon-Fri.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 571-272-4514. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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PN: 

February 24, 2005



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